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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,432	05/09/2001	Paul M. Cohen	42390P11041	4988
8791	7590	04/12/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			DU, THUAN N	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 04/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,432

Applicant(s)

COHEN ET AL.

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-19 are presented for examination.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

3. Claims 1-8 are objected to because of the following informalities:

Regarding claim 1, it is seen that "an operating power level" recited in line 5 is the same as "an operating power level" recited in line 3. Therefore, the examiner suggests applicant to rewrite "an operating power level" recited in line 5 to -- the operating power level --.

Claims 2-8 are also objected for incorporating the above deficiency by dependency.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2116

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tate et al. [Tate] (U.S. Patent No. 6,687,839) in view of Oprescu et al. [Oprescu] (U.S. Patent No. 5,483,656).

6. **Regarding claim 1**, Tate teaches a method managing power to a system comprising the steps of:

monitoring a power level for a power supply [col. 2, lines 24-27; col. 6, lines 5-8]
providing power to a plurality of devices [Fig. 4; col. 3, lines 22-30; col. 6, lines 17-18], each device having an operating power level [col. 3, lines 35-41];

detecting a change in said power level for said power supply [col. 4, lines 54-57; col. 7, lines 3-8].

Tate teaches that internal components are switched to stop drawing power from the power supply (by a processor) upon a change in said power level for said power supply is detected [col. 4, lines 58-60; col. 7, lines 11-12]. Tate does not explicitly teach a modification signal used for modifying the operating power level of at least one of said plurality of devices is created and sent to the at least one of said plurality of devices.

Oprescu teaches the priority of a power usage request (device requesting to be powered up) is compared with the priority of the previously granted power usage requests (devices currently drawn power from power line 30) to determine whether a revoke signal (modification signal to modify an operating power level from full operating power level to off state) is to be sent [col. 8, line 61 to col. 9, line 2]. Therefore, Oprescu teaches the steps of creating a

Art Unit: 2116

modification signal (revoke signal) to modify an operating power level (from normal operating state to off state) of at least one of said plurality of devices (based on the priority) and sending said modification signal to said at least one of said of said plurality of devices (a lower priority is revoked).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Oprescu's teaching into Tate's system because it would increase the flexibility of the system by allowing Tate to selectively switch off at least one of the plurality of devices individually (based on the priority of the device) until the power supplied to the system is sufficiency. Implementing the teaching of Oprescu into Tate's system is applicable because they both teach a method for managing power of a computer system.

7. **Regarding claim 2**, Oprescu teaches that the lower priority device is revoked by power manager 50 [Fig. 1; col. 8, line 66 to col. 9, line 2], wherein the power manager 50 communicates with the plurality of devices through data line 28 [Fig. 1; col. 4, lines 39-41]. In order for the device stops drawing power from the power line 30 (the operating power level is modified), the device must receive a revoke signal (modification signal) sent from the power manager. Therefore, Oprescu teaches the method steps as claimed.

8. **Regarding claim 3**, Oprescu teaches that the modifying comprises reducing said operating power level for said at least one of said plurality devices (from normal operating state to off state) in accordance with said modification signal (revoke signal) [col. 8, line 66 to col. 9, line 2].

Art Unit: 2116

9. **Regarding claim 4**, Tate teaches that the operating power level of at least one of plurality of devices (internal components) is increased (lockout is ended) in accordance with a modification signal (signal sent to the processor) [col. 5, lines 16-18; col. 4, lines 57-64].

10. **Regarding claim 5**, Oprescu teaches the creating step comprising:

selecting said at least one of said plurality of devices (device having lower priority is selected) [col. 8, line 64 to col. 9, line 2];

determining an amount to modify said operating power level (0 Watt) of said at least one of said plurality of device (when the device is revoked, the device is turned to inactive state, as such, the operating power level of the device is modified to 0 W) [Fig. 2; col. 9, lines 1-2]; and

creating said modification signal (revoke signal) to modify said operating power level for said at least one of said plurality of devices (turning off the device) using said amount (0 W) [col. 8, line 64 to col. 9, line 2].

11. **Regarding claim 6**, Tate teaches that the detecting step comprises detecting a current power level for the power supply [col. 3, lines 64-65; col. 7, lines 3-4].

12. **Regarding claim 7**, Tate teaches that using the current power level (when the power level of the power source falls below a threshold value) at least one of plurality of devices (internal components) is switched to stop drawing power from the power supply [col. 3, lines 64-67; col. 4, lines 57-64]. Tate does not explicitly teach at least one of plurality of devices is retrieved from a power table.

Oprescu teaches a power table is used for determining the total power consumed by devices [Fig. 2; col. 5, lines 53-55; col. 6, line 60 to col. 7, line 5]. Oprescu teaches that the selecting step comprises retrieving at least one of plurality of device from a power table (the

Art Unit: 2116

priority values for each device are included in the table) [col. 7, lines 3-4; col. 8, line 64 to col. 9, line 2].

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the power table taught by Oprescu into Tate's system because they both teach a system for determining available power supplied to devices. Implementing power table into Tate's system would increase the accuracy of the system by allowing the threshold value for the power supply would be set up more accurately.

13. **Regarding claim 8**, Oprescu teaches the determining the amount to modify step comprises retrieving the amount to modify (0 Watt) from the power table (table 54) associated with at least one of the plurality of devices [Fig. 2; col. 5, line 53 to col. 6, line 31].

14. **Regarding claims 12-17**, Tate and Oprescu together teach the claimed method steps. Therefore, Tate and Oprescu together teach the apparatus to implement the claimed method steps.

15. **Regarding claims 18 and 19**, Tate and Oprescu together teach the claimed method steps. Therefore, Tate and Oprescu together teach the article having stored therein instruction, executed by a processor, for carrying out the claimed method steps.

16. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oprescu et al. [Oprescu] (U.S. Patent No. 5,483,656).

17. **Regarding claim 9**, Oprescu teaches a method to modify power to a system comprising:

Art Unit: 2116

receiving a modification signal (request signal) to modify an operating power level for a device (activating a device) of a plurality of devices connected to a power line (30) [col. 7, lines 50-51, 57-60];

determining an amount to modify said device (determining the power requirement for the target device based on a particular requested operational state) [col. 7, lines 51-54, 60-61; col. 8, lines 16-21]; and

modifying said operating power level in accordance with said determination [col. 8, lines 21-23].

Oprescu does not explicitly teach the devices are connected to a power supply. However, one of ordinary skill in the art would have readily recognized that the power line would obviously need to be connected to a main power source for supplying power to the devices of the system.

18. **Regarding claim 10**, Oprescu teaches that the determining step comprises retrieving said amount from a power table (table 54) [Fig. 2; col. 5, line 53 to col. 6, line 31; col. 8, lines 16-20].

19. **Regarding claim 11**, Oprescu teaches that the determining step comprises retrieving said amount from said modification signal (request signal) [col. 7, lines 57-61].

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

Art Unit: 2116

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (703) 305-9717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a stylized flourish at the end.

Thuan N. Du
April 7, 2004